

## **REMARKS**

Applicants have the following comments in response to the Office Action of August 10, 2006.

### **I. Claim Amendments – Reference to Disclosure**

As explained in depth below, while Applicants respectfully traverse the rejection in the August 10, 2006 Office Action, in order to advance the prosecution of this application, independent Claims 1, 31, 68 and 85 have been amended to bring them into literal conformance with the disclosure in the present application, and in particular with a specifically recited embodiment of the present invention. The amendments are also in accordance with the Examiner's suggestion. Examples in support of the claimed methods are found throughout the specification of the present application, as discussed *infra*.

More specifically, the specification of the present application clearly teaches, as one embodiment of the present invention, that it is desirable to use single, brief procedure that includes application of PDT agent, agent accumulation, purging of excess agent from the diseased tissue, and application of activating light. This is illustrated at several locations throughout the specification, including, for example, the following passages:

“In general, the method of the present invention involves one or more of the following steps. Initially, disease is diagnosed... Thereafter, a sufficient quantity of a topical or systemic formulation of a desired PDT agent is applied to the disease site so as to cover, perfuse, or saturate the diseased tissue. After a brief accumulation period to allow the agent to coat, perfuse, or otherwise become active within the diseased tissue, excess agent is purged or flushed from the disease site, and a substantially uniform light field is applied to the

disease site in order to activate the agent associated with the diseased tissue.” (Page 11, lines 8-17)

As noted in the specification, timing of these steps can vary somewhat depending upon specific requirements of the procedure (page 12, lines 10-19), however, one embodiment of the present application specifically recites that these steps are to be conducted in sequence as a single procedure:

“Additionally, the step of diagnosing can almost *immediately be followed by the steps of applying a PDT agent, purging excess agent and applying light so that said method of diagnosis and treatment is done in a single procedure*. If PDT agent uptake is used to diagnose or detect diseased tissue, the step of diagnosing can be immediately followed by the step of applying activating light.” (Page 12, lines 14-18; emphasis added)

Together, these passages make it clear that the steps of the presently claimed methods involve performance of one or more of the enumerated steps (i.e., diagnosis, application of PDT agent, agent accumulation, purging of excess agent from the diseased tissue, and application of activating light) in a single interventional procedure.

Accordingly, Applicants have amended independent Claims 1, 31, 68 and 85 to more literally track such details. Applicants respectfully submit that such amendments clarify the claimed methods of treatment of diseased tissue of the present invention and that the amendments to the claims are clearly supported by the application as filed. Therefore, it is respectfully requested that these amendments be entered and considered at this time.

Applicants will now address the Examiner’s sole rejection in the Office Action.

## **II. Claim Rejections – 35 USC §112**

In the Office Action, the Examiner rejects Claims 1-4, 11, 13-14, 16-17, 20-21, 23-28, 31, 35-39, 68-69, 71-72, 77, 79-80 and 82-86 under 35 U.S.C. §112, first paragraph, for alleged failure to comply with the written description requirement. This rejection is respectfully traversed.

As was explained in depth in Applicants' prior responses, there is clear support in the present application for each and every limitation of the claims as pending before the Examiner during the most recent examination of the claims.

However, while Applicants continue to traverse this rejection, in order to advance the prosecution of this application, Applicants have amended independent Claims 1, 31, 68 and 85, as explained above and in accordance with the Examiner's suggestion. As shown above, the claims as amended are clearly supported by the present application as filed, and therefore, comply with the written description requirement.

Accordingly, Applicants respectfully request that the Examiner's rejection of Claims 1, 31, 68 and 85, and those claims dependent thereupon, be withdrawn.

## **III. Conclusion**

For at least the above-stated reasons, it is respectfully submitted that the claims of the present application are in an acceptable and allowable form, and it is requested that the application be allowed.

If any further fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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